

Exhibit 11

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 HERMÈS INTERNATIONAL, et al.,

4 Plaintiffs,

5 v.

22 Civ. 384 (JSR)

6 MASON ROTHSCHILD,

7 Defendant.

8 -----x

New York, N.Y.
February 1, 2023
9:30 a.m.

10 Before:

11 HON. JED S. RAKOFF,

12 District Judge
13 -and a Jury-

14
15 APPEARANCES

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1 (Jury present)

2 SONNY ESTIVAL, resumed.

3 THE COURT: Please be seated.

4 Good morning, ladies and gentlemen.

5 Thank you very much for your promptness and we are
6 ready to proceed.

7 Counsel.

8 MR. HARRIS: Thank you, your Honor.

9 DIRECT EXAMINATION (Continued)

10 BY MR. HARRIS:

11 Q. Good morning, Mr. Rothschild.

12 A. Good morning.

13 Q. Mr. Rothschild, yesterday -- I just want to clarify one
14 thing. I asked you a question about Virgil Abloh, and you said
15 he recently had a show at the Whitney Museum.

16 A. I made a mistake. It was actually the Brooklyn museum.

17 Q. That was a show of his artistic works?

18 A. Yes, as well as some of his work in, like, designing
19 fashion, architecture as well.

20 THE COURT: Lean that microphone down a little bit.

21 Q. When we left off yesterday, Mr. Rothschild, we were
22 discussing your "Do Not Sit" project.

23 A. Yes.

24 MR. HARRIS: Ashley, could you please put back up
25 Exhibit 523 in evidence.

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1 with you on social media. So I ran a contest on Instagram and
2 Twitter, and the name was suggested.

3 Q. Was this before or after they were released?

4 A. Before.

5 Q. Can I please put up what's for identification Defendant's
6 Exhibit 613.

7 Can you briefly describe for the court what this is?

8 A. Um, it's an Instagram post of me, I think, on October 29,
9 2021, asking -- or saying the collection needs a name, share
10 this post, and comment your suggestion.

11 Q. And is this your personal Instagram or the MetaBirkins
12 Instagram?

13 A. This is mine, because it didn't have a name yet.

14 Q. OK. Got it.

15 MetaBirkins hadn't been created yet?

16 A. No.

17 Q. OK. And the *MetaBirkins.com* website hadn't been created?

18 A. Not yet.

19 MR. HARRIS: OK. Your Honor, I offer defense
20 Exhibit 613.

21 MR. WARSHAVSKY: No objection.

22 THE COURT: Received.

23 (Defendant's Exhibit 613 received in evidence)

24 Q. Do you see that on the black part or that's next to the
25 picture down in the bottom there's a date.

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1 Do you see that?

2 A. Yes.

3 Q. What is that date?

4 A. October 29, 2021.

5 Q. And up at the top, what are you doing here?

6 A. I'm just previewing one. This is, like, the caption of an
7 Instagram post saying what I'm doing. I said, I guess I knew
8 what the price was at the time -- at the time already and, um,
9 just asking people that it needs a name and for people to share
10 it.

11 Q. And did, in fact, people -- did you post it just on the
12 contest, just on Instagram, or did you also post it on other
13 social media?

14 A. I posted it on Twitter.

15 Q. And did somebody suggest names?

16 A. Yes. Actually, I got suggested MetaBirkins on Instagram
17 and on Twitter.

18 Q. If you look in the middle of this page, there's a
19 *hctourc* --

20 A. Correct.

21 Q. -- suggested MetaBirkins?

22 A. Yes.

23 Q. Did the contest -- you said there were two, there was
24 somebody on Instagram and also someone on Twitter.

25 Do you remember the name of the person that suggested

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1 it on Twitter?

2 A. Makisa. Her handle is *asiancryptogirl*.

3 Q. Do you know her actual name?

4 A. Makisa. That's just her display name. I don't know her
5 real name. It could be, but I'm not sure.

6 Q. OK. Did, in fact, the contest winners receive anything?

7 A. One of them did.

8 Q. All right. Who received something?

9 A. Instagram was the first one I saw, so Instagram winner.

10 Q. Did Makisa ever get anything from you?

11 A. Not initially. I didn't see her suggestion initially, but
12 I called her after the fact because she DMed me. I saw the DM,
13 I told her to call me, and then promised her one on the next
14 collection.

15 Q. Did you give Makisa one in the next collection?

16 A. No. We weren't able to launch that second collection.

17 Q. Have you given Makisa anything else?

18 A. Um, just asked her if she wanted, like, any of the other
19 art projects that are done, since then, that are not
20 MetaBirkins, but she's not as involved in crypto right now.

21 Q. Does the title of MetaBirkins, why did you pick out of the
22 various suggestions, why did you pick MetaBirkins?

23 A. Um, I thought it was a good name. People were attaching
24 Meta before, like, describing what was -- what the artwork was
25 at the time. You know, Facebook had named its, like,

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1 are, like, who collect NFTs or participate in Web3. It's at
2 the very infancy stage right now, so it's very um, like, a frat
3 or, like, a very bro-ish type of talk.

4 Q. And you were never a fraternity member, were you?

5 A. No.

6 Q. But very briefly for the jury, because I think it's the
7 first time the term came up, excuse me if I'm wrong, what is
8 Web3?

9 A. Web3 is kind of what we're in right now. So, like the
10 easiest way to describe it is Web1 is when you would log in
11 with your e-mail and password.

12 Web2 is kind of, like, the next evolution of that,
13 where you log in with, like, Google. You know, it says sign in
14 with Google or sign in with Amazon.

15 Web3 is signing in with a wallet, which is, like, your
16 source of identification. You have a seat phrase about, like,
17 self-custody.

18 Q. When you say sign in with a wallet, your referring to like
19 a crypto wallet?

20 A. Yeah, a crypto wallet.

21 Q. And, Mr. Rothschild, do you think you can get away with
22 things in art by saying "in the style of?"

23 A. Um, no, not necessarily.

24 Q. All right. Did you ever send a text message along those
25 lines?

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1 A. Um, yes.

2 Q. What were you thinking when you sent that?

3 A. Um, when I said get away with, I was, kind of, referring to
4 the situation. I was speaking about this situation that we're
5 in today, where I should be able to get away with creating this
6 artwork, um, because it's my artistic expression and, you know,
7 a company like Hermès shouldn't be able to sue me for it.

8 Q. Mr. Rothschild, is everything you did with MetaBirkins
9 public?

10 A. Um, yes. I mean, every communication is on Discord, which
11 is a public place. Anybody could join and all my transactions
12 are public on the blockchain.

13 Q. Did you have any ability to get away with anything in
14 secret with MetaBirkins?

15 A. Um, I don't think so, especially not at this stage, you
16 know, of discovery.

17 Q. Did you tell friends in text messages you might be
18 collaborating with Hermès?

19 A. Yes, at some point.

20 Q. And why?

21 A. Um, I work in fashion, so I know a lot of people in
22 fashion. And one of those people, um, was a high-ranking
23 member at a big, um, company called Yoox, said he had
24 connections at Hermès. And numerous people told me this, and
25 they said that they would try to get them on the line with me.

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1 the Discord server, you can see how many people have joined
2 your server. There was 50,000 people going for 100 different
3 items, right. Um, so, you know, it's a standard supply-and-
4 demand thing. You know, there was only 100, but there was
5 50,000 people who wanted them. What happens there, what do the
6 people do with it.

7 Q. Take that down, please, Ashley.

8 Mr. Rothschild, who is Ken Loo?

9 A. It's my publicist.

10 Q. What is your current relationship with Mr. Loo?

11 A. Um, he's currently still by publicist.

12 Q. And did he work on the MetaBirkins project?

13 A. He was my publicist for it, but he didn't, like, make
14 anything or do any part of the creative.

15 Q. Did you ask Mr. Loo to make it known that you were the
16 creator of the MetaBirkins?

17 A. Um, yes.

18 Q. And what did you ask Mr. Loo to do?

19 A. Honestly, we were fielding a bunch of, like, press requests
20 and stuff. So Ken, as my publicist, is tasked with making sure
21 that I was credited for it, used the proper images, they don't
22 post, like, the wrong images -- there was a lot of fake
23 collections going on at the time -- and if they needed a quote
24 from me for the article.

25 Q. And did Mr. Loo give any instructions as to how he was to

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1 characterize the source of the MetaBirkins?

2 A. Yeah. It was always to make sure it was not, um, a
3 collaboration or done by Hermès. We have corrected the press
4 on numerous occasions where they accidentally said it was
5 Hermès and we said, Hey, like, that's incorrect.

6 You know, I have Google alerts which tells me every
7 time something gets published by me or has my name or
8 MetaBirkins. I was constantly monitoring it, making sure
9 nothing wrong was written in the press.

10 Q. Did you ever become aware, Mr. Rothschild, that any
11 purchasers of MetaBirkins were confused as to whether you were
12 the creator?

13 A. No.

14 Q. Did you ever need to correct any purchaser of a MetaBirkins
15 as to the source of the goods?

16 A. Um, no.

17 Q. You testified just a little bit ago that you kept one
18 MetaBirkin for yourself, right?

19 A. Correct.

20 Q. And when the MetaBirkins were originally minted, how many
21 of them did you get?

22 A. I minted one and then, um, one of my engineers had minted
23 one to test the contract. And then my other one, I had two
24 engineers, and they minted two of them prior to me. The first
25 three that get minted, I think, um, I forget the name of the

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1 they even have, like, a portfolio company where they invest.

2 Q. Who are some of clients?

3 A. Post Malone, Doja Cat, a bunch of song writers, like, Billy
4 Walsh, who writes, like, everybody's hits for, like, ETS, and
5 everybody.

6 Q. And do you have a relationship with Electric Field?

7 A. It's my manager, Austin Rosen.

8 Q. And what is CAA?

9 A. They are the biggest talent agency in the world.

10 Q. And do you have a relationship with CAA?

11 A. They are my agents.

12 Q. And did CAA have an NFT artist before they signed you?

13 A. I believe I was the first.

14 Q. And how about Electric Field?

15 A. I was the first.

16 Q. Now, could you tell me what Gasoline is?

17 A. Gasoline is, um, a studio created at the top of the year to
18 create these projects, since we were getting so much demand
19 from different companies or artists for us to help them enter
20 this new, like, NFT Web3 space.

21 Q. And when did you form Gasoline?

22 A. This year, January.

23 Q. January of 20 --

24 A. 2023.

25 Q. Literally last month?

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1 A. Officially, yes.

2 Q. All right. And how many people are employed at Gasoline?

3 A. Um, we're mostly freelancers. Um, I have four, four
4 engineers and two artists, and then my publicist.

5 Q. What is the difference between an engineer and an artist?

6 A. My engineers work on the code front end and back end, like,
7 website development. And then my artists, we create the art
8 for these different companies.

9 Q. What is your role at Gasoline?

10 A. CEO and creative director.

11 Q. Do you have investors for Gasoline?

12 A. Now we do, yes.

13 Q. And did there come a time when you did a project for an
14 entity called Scope?

15 A. Yes.

16 Q. What is Scope?

17 A. Scope is the biggest art show in terms of, like, volume at,
18 like, at Art Basel in Miami, which is, like, a big art fair for
19 furniture design, art, everything.

20 Q. And did you do that project individually or through
21 Gasoline?

22 A. Um, it was done by me, and then Gasoline produced it.

23 Q. And may I please put up for identification Defendant's
24 Exhibit 526.

25 Could you please describe for the court what

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1 Exhibit 526 is?

2 A. Um, it's, like, a compilation of the different floaties,
3 NFTs that we created as the ticket for Scope.

4 MR. HARRIS: Your Honor, I offer Defendant's Exhibit
5 526?

6 MR. WARSHAVSKY: No objection.

7 THE COURT: Received.

8 (Defendant's Exhibit 526 received in evidence)

9 Q. Please explain for the jury what you're doing in this
10 project.

11 A. Um, Scope is on the beach in Miami, so I made a bunch of
12 floaties. It was kind of a take on, like, a little bit of
13 global warming, where it's just, like, you know, you're going
14 to need a floatie to get to the next art show. So I'm giving
15 you those floaties because of rising sea levels.

16 Q. And what was this used as?

17 A. This was a ticket. So you would, um, show this at the door
18 and you would be able to get in. And this was a VIP ticket.

19 Q. Was this an NFT?

20 A. Yes.

21 Q. So just to explain technically, if I was somebody who comes
22 to the show, I would get this ticket as an NFT.

23 It would be on my phone?

24 A. Your phone or your computer, yeah.

25 Q. And then I would show that and that's my entry?

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Estival - Direct

1 A. Correct.

2 Q. All right. And then have you also done work for Formula 1?

3 A. A driver in Formula 1, but not Formula 1 the entity.

4 Q. And was that yourself or through Gasoline?

5 A. Both. So I -- CAA is my, like, my representation. They
6 get me the gigs as a studio, as a collective. We create the
7 asset.

8 Q. What did you do for Formula 1?

9 A. Designed a driver's helmet for the Abu Dhabi race last
10 year, as well as, like, their daily-use helmet.

11 MR. HARRIS: Ashley, could you please put up for
12 identification Defendant's Exhibit 607.

13 Q. Could you briefly designed for the court what that is?

14 A. Yes. There is another picture, but, like, this is -- the
15 race was in Abu Dhabi, so we did a take on the Empty Quarter
16 desert in Abu Dhabi, did kind of, like, a dust storm, put the
17 driver's number on there, their sponsors and, yeah.

18 MR. HARRIS: Your Honor, I offer Defendant's Exhibit
19 607.

20 MR. WARSHAVSKY: No objection.

21 THE COURT: Received.

22 (Defendant's Exhibit 607 received in evidence)

23 Q. You said there was another picture.

24 MR. HARRIS: Ashley, could you put up Defendant's
25 Exhibit 608.

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Estival - Cross

1 Q. But he's not credited anywhere?

2 A. No.

3 Q. Just you and Eric Ramirez?

4 A. Yes.

5 Q. And this sold for much more, correct, ten times that
6 amount?

7 A. Approximately.

8 Q. And, by the way, did you bid on the Baby Birkin yourself?

9 A. No.

10 Q. No. Do you remember me asking you about this at your
11 deposition?

12 A. I was the first bid.

13 Q. So you did bid on it?

14 A. Yes.

15 Q. So had you won the bid, you would have bought it from
16 yourself?

17 A. For 100, yes. It would be minted.

18 Q. OK. Was that an effort to prop up the price?

19 A. No, it was just to -- I wanted to own my artwork. So,
20 like, when you bid, it would have to be minted. So it wasn't
21 minted until somebody bid on it.

22 Q. OK. And at that time, you didn't -- you didn't have a
23 *BabyBirkin.com* website, did you?

24 A. No.

25 Q. You didn't ask anybody to pump and chill for that, did you?

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Estival - Cross

1 A. Um, not that I recall. But, I mean, like, people knew
2 about it, told people about it, and we did promote it to NFT
3 collectors at the time.

4 Q. OK. Well, in this case, again, I think we heard your
5 lawyer in opening statement say that you produced thousands of
6 text messages.

7 Were any of those text messages about pumping and
8 chilling the Baby Birkin?

9 A. I'm not sure.

10 Q. OK. And you only made one, correct?

11 A. Yeah.

12 Q. And we'll get into it a little bit later.

13 For the MetaBirkins, you had to build a MetaBirkins
14 campaign, correct?

15 A. It was a contest.

16 Q. You didn't do that for Baby Birkin, did you?

17 A. No.

18 Q. Just to contrast, just to finish this thought, for the
19 MetaBirkins you made 100, correct?

20 A. Yes.

21 Q. You made a *MetaBirkins.com* website, correct?

22 A. Yes.

23 Q. You made social media accounts, including Twitter,
24 Instagram, and Discord, correct?

25 A. Yes.

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Estival - Cross

1 Q. And that is something you didn't do for prior projects?

2 A. No, because they were just one.

3 Q. And in some of your promotion, you actually encouraged
4 others to make MetaBirkins with household items like the
5 MetaBirkins, like the build-your-own MetaBirkin, correct?

6 A. Yes.

7 Q. And as you discussed with counsel, we'll discuss in a
8 little bit, you actually asked influencers to pump and chill
9 for you for the MetaBirkins, correct?

10 A. Yes.

11 Q. And you sought whales to sweep the floor, am I saying that
12 correctly?

13 A. Um-hmm.

14 Q. And is that correct?

15 A. Yes.

16 MR. WARSHAVSKY: OK. Let's talk a little about the
17 MetaBirkins name and slogan.

18 Now, Humberto, can you please bring up Exhibit 238,
19 just to the witness, the court and defense counsel, please.

20 Q. OK. Have you seen this document before?

21 A. Yes.

22 Q. Can you tell us generally what it is?

23 A. It is the same post from Instagram announcing what was to
24 eventually be called MetaBirkins and then asking people to
25 suggest names.

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Estival - Cross

1 Q. OK. But it's a Twitter post on your account?

2 A. Yes.

3 MR. WARSHAVSKY: Move into evidence, your Honor.

4 MR. HARRIS: No objection.

5 THE COURT: Received.

6 (Plaintiff's Exhibit 238 received in evidence)

7 Q. OK. So this is the contest, the other side of the contest
8 that you ran on Twitter, right?

9 A. Yes.

10 Q. And as you said, you were requesting names and --

11 MR. WARSHAVSKY: Oh, I'm sorry. Humberto, please
12 furnish to the jury.

13 Done?

14 OK. One step ahead of me.

15 Q. This is where you were requesting the names, and I think
16 earlier you noted that someone named Makisa had responded,
17 correct?

18 A. Yes.

19 Q. And actually, if we can go down, I guess, to the Makisa
20 response. You see it on the page. Can you maybe blow it up a
21 little bit.

22 Clearly that same day she wrote back to you
23 MetaBirkin, correct?

24 A. Yes.

25 Q. And earlier when you spoke, you said the reason that you

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Estival - Cross

1 didn't provide something to Makisa was because you received a
2 response on Instagram, is that correct?

3 A. Yes.

4 Q. Do you remember I asked you about this at your deposition?

5 A. Yes.

6 Q. OK. And do you remember what you responded at your
7 deposition?

8 A. Um, I think I responded incorrectly, but I looked after the
9 deposition to verify.

10 Q. So at your deposition when you were testifying under oath,
11 what you did you say to us?

12 A. I would have to get a reminder. I think I said that --

13 Q. We'll show it to you.

14 Can we furnish the witness and his counsel with his
15 deposition testimony.

16 So do you see where I'm looking at line 15 to 18?

17 A. Yes.

18 MR. HARRIS: Do you have a hard copy?

19 MR. WARSHAVSKY: Do I have a hard copy?

20 MR. HARRIS: I'm sorry. What page is this, please?

21 BY MR. WARSHAVSKY:

22 Q. What response did you give to me at your deposition?

23 A. We ended up coming up with a name prior to this actually.
24 We had a few variations.

25 Q. So now you're saying that that testimony was wrong?

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Estival - Cross

1 A. That testimony was incorrect. I looked it up after.

2 MR. WARSHAVSKY: OK. If we can go back to the Twitter
3 post, please.

4 The Twitter post -- sorry. If we can go to
5 *JessLozano*. I don't know how to pronounce it.

6 Down a little. There you go.

7 Can you please blow up the two November 3 ones.

8 Q. This user -- I'm not sure how to say that -- wrote back and
9 in the first post on November 3 said Not Your Mom's Birkin.

10 Do you see that?

11 A. Yes.

12 Q. OK. And ultimately you used Not Your Mother's Birkin as
13 your slogan on your website, correct?

14 A. Yes.

15 Q. Did you give this person a MetaBirkin?

16 A. No, because it was not the name.

17 Q. Oh, because it was Not Your Mother's Birkin rather than Not
18 Your Mom's Birkin?

19 A. Yes. And we also knew of this Slogan. Tiffany's was using
20 it at the time to describe Not Your Mother's Tiffany.

21 Q. I see. So, well, all right. We can close this exhibit.

22 So you used the same -- I'm sorry.

23 Who was using it?

24 What was the name of that person?

25 A. Tiffany's.

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Estival - Cross

1 Did he speak -- do you know whether he spoke to any of
2 these people?

3 A. Um, no.

4 Q. OK. Do you know if he texted with them or otherwise spoke
5 to them, otherwise was in communication with them?

6 A. No.

7 Q. Was he in touch with them on Discord?

8 A. No.

9 Q. OK. So after minting, the MetaBirkins went on blockchain,
10 correct?

11 A. Yes.

12 Q. And they were added to NFT marketplaces like OpenSea and
13 Rarible that we've discussed?

14 A. Yes.

15 Q. And they were delisted from OpenSea and Rarible, is that
16 correct; they were delisted from a few?

17 A. Yes.

18 Q. But they are still available on LooksRare?

19 A. Yes.

20 MR. WARSHAVSKY: I would like to show Plaintiff's
21 Exhibit 386, please.

22 I'm sorry, just to the -- I keep doing this -- the
23 witness, judge, and defense counsel.

24 Q. Have you seen this document before?

25 A. Yes.

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Estival - Cross

1 Q. Are those the 100 MetaBirkin NFTs?

2 A. This is six and a half of them, but they should all show in
3 there.

4 Q. OK. If we can scroll to the next page for the witness.
5 It's a 12-page exhibit, right?

6 OK. So does this look like the NFT marketplace
7 LooksRare for the MetaBirkins NFTs?

8 A. Yes.

9 Q. And you linked to this website from the *MetaBirkins.com*
10 website, is that correct?

11 A. At a certain point, yes.

12 MR. WARSHAVSKY: All right. Your Honor, we would move
13 this into evidence.

14 MR. HARRIS: No objection, your Honor.

15 Q. So the MetaBirkins can be bought and sold here, is that
16 correct?

17 A. Yes.

18 Q. Is there a disclaimer on this site?

19 A. No.

20 MR. WARSHAVSKY: If we can go to Plaintiff's Exhibit
21 230, please, to show the witness, defense counsel and the
22 court.

23 Q. Do you know what this is, Mr. Rothschild?

24 A. Rarible.

25 Q. This is the way the site previously looked, is that right?

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Estival - Cross

1 A. Yes.

2 Q. And these are the MetaBirkin NFTs, correct?

3 A. Yes.

4 Q. And this is a marketplace for the MetaBirkins NFTs,
5 correct?

6 A. Yes.

7 Q. And you linked this website from the *MetaBirkins.com*
8 website, is that correct?

9 A. At a certain point, yes, when it was listed on there.

10 MR. WARSHAVSKY: OK. We'll move this into evidence.

11 MR. HARRIS: No objection.

12 THE COURT: Received.

13 (Plaintiff's Exhibit 230 received in evidence)

14 (Continued on next page)

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Estival - Cross

1 MR. WARSHAVSKY: Your Honor, there was a question
2 about whether you received the previous exhibit. I thought you
3 had, but it is unclear.

4 MR. HARRIS: There was no objection, your Honor.

5 THE COURT: Received.

6 (Plaintiff's Exhibit 386 received in evidence)

7 MR. WARSHAVSKY: Sorry about that.

8 BY MR. WARSHAVSKY:

9 Q. So looking at this, was this a description that was used
10 across all of the NFT marketplaces that sold the MetaBirkins?

11 A. No.

12 Q. Okay. Where was it different? I am talking about the
13 description along the top.

14 A. The digital art project by Mason Rothschild.

15 What was the question?

16 Q. Was this a description -- the MetaBirkins name
17 @MetaBirkinsNFT, I realize that the sale prices might have
18 changed, but is this generally what the different NFT
19 marketplaces looked like -- the description of MetaBirkins on
20 the NFT marketplaces looked like?

21 A. I think so. Yes.

22 Q. Once again, on this one there's no disclaimer, correct?

23 A. Yes.

24 Q. All right. For each of these -- I think we discussed it
25 earlier, but you received a royalty from the resale on any of

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Estival - Cross

1 these NFT marketplaces, is that correct?

2 A. Yes.

3 Q. And was that a consistent rate across the different
4 marketplaces?

5 A. I think seven and a half across.

6 Q. Okay. Thank you.

7 You also ran -- we have talked a little bit about it,
8 but just to make clear, you ran a number of social media
9 accounts, correct?

10 A. Like four --

11 Q. Let me ask a better question. You ran a number of social
12 media accounts to promote the MetaBirkins, correct?

13 A. Yes.

14 Q. What were they?

15 A. MetaBirkins on Twitter and MetaBirkins on Instagram.

16 Q. And also Discord?

17 A. Oh, yeah.

18 Q. Okay. Did you also promote the MetaBirkins on your own
19 personal accounts on Twitter and Instagram?

20 A. Yes.

21 MR. WARSHAVSKY: Okay. I would like to show now
22 Plaintiff's Exhibit 242 to the witness, defense counsel, and
23 the Court.

24 BY MR. WARSHAVSKY:

25 Q. This is a text exchange that was produced by you in

N21nher5

Estival - Cross

1 compared to the next person, but I think I have like a hundred.

2 Q. Okay. About a hundred more than me.

3 Have you ever been bought a Bored Ape Yacht Club NFT?

4 A. Yes.

5 Q. Is Bored Ape Yacht Club a popular NFT brand?

6 A. It is a popular -- it's the best selling NFT project.

7 Q. Okay. Is it the most well known do you think?

8 A. It is up for debate, but to me between that and like Punks.

9 Q. Punks. Okay. What about Doodle?

10 A. Also a very popular one.

11 Q. Have you ever bought a Doodle NFT?

12 A. I did for a giveaway, but not for my own self.

13 Q. Did you ever collaborate with either Doodle or Bored Ape?

14 A. No.

15 MR. WARSHAVSKY: If we please show Mr. Rothschild, his
16 counsel, and the Court Plaintiff's Exhibit 126.

17 BY MR. WARSHAVSKY:

18 Q. This is a tweet by you, is that correct?

19 A. Yes.

20 MR. WARSHAVSKY: Okay.

21 We would offer this into evidence.

22 MR. HARRIS: No objection.

23 THE COURT: Received.

24 (Plaintiff's Exhibit 126 received in evidence)

25 BY MR. WARSHAVSKY:

N21nher5

Estival - Cross

1 Q. In your profile picture, is that your Bored Ape Yacht Club
2 NFT?

3 A. This is an old photo, but yes.

4 Q. Okay. Did you own the Bored Ape Yacht Club NFT at the
5 time?

6 A. Yes.

7 Q. Can you read the tweet.

8 A. "The NFT trinity, Bored Ape Yacht Club, Doodle MetaBirkins,
9 MetaBirkins2Pluto."

10 Q. I'm sorry? MetaBirkins2Pluto.

11 I didn't see that. Thank you.

12 A. Yes.

13 Q. What is that hashtag, MetaBirkins2Pluto.

14 A. Just a hashtag I wrote.

15 Q. So did you consider MetaBirkins NFTs to be on the same
16 level as Bored Ape Yacht Club and Doodle?

17 A. I was referring to Future's posts, so he posts a Doodle,
18 which is that little balloon thing at the bottom, the
19 MetaBirkin in the middle, and I think there is a Bored Ape
20 right before the Doodle.

21 Q. I think I was -- so the NFT trinity, what did you mean by
22 NFT trinity? Why did you talk about those three sets of NFTs?

23 A. At the time we were like the top selling or trending
24 collections on OpenSea.

25 Q. Okay. Okay. So on that -- on December 7, those were the